

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-15 and 20-24 were pending in this application and have been rejected. With this Reply and Amendment, Claims 1 and 20 have been amended and Claim 25 has been added. No new matter has been added. Therefore, Claims 1-15 and 20-25 will be pending in this application upon entry of this Reply and Amendment.

Interview

The undersigned appreciates the courtesy extended by the Examiner during the interview with Applicant's representatives on February 18, 2010. The pending claims of the application were discussed in view of the cited references. No agreement was reached as to patentability of the claims.

Claim Rejections – 35 U.S.C. § 103

In Section 4 of the Office Action, the Examiner rejected Claims 1-15 and 20-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,558,950 titled "Optimized Cell Pack for Large Sealed Nickel-Metal Hydride Batteries" to Ovshinsky et al. ("Ovshinsky") in view of GB Patent No. GB 2026761 titled "Accumulator Terminal Assemblies" to Schafer ("Schafer") and the article "Laser Welding of Plastics (August 2000)" from TWI World Centre for Materials Joining Technology ("TWI"). Applicant respectfully traverses this rejection.

Amended Independent Claim 1 recites a "rechargeable battery" comprising, in combination with other elements, a "sealing element comprising a supporting surface which lies flat against the housing wall at an interface and a second surface extending at substantially a right angle to the supporting surface; the supporting surface and the second surface of the sealing element in contact with the housing wall such that there is no open space between the sealing element and the housing wall." Claims 2-15 depend from independent Claim 1.

Amended Independent Claim 20 recites a “rechargeable battery” comprising, in combination with other elements, a “sealing element provided in the at least one aperture of the housing wall such that there is no open space between the sealing element and the aperture of the housing wall, the sealing element comprising a supporting surface which lies flat against the housing wall at an interface and an adjacent surface extending at substantially a right angle to the supporting surface.” Claims 21-24 depend from independent Claim 20.

Applicant submits that Ovshinsky, Schafer, and/or TWI fail to disclose at least one element recited in each of the rejected claims. In particular, Ovshinsky, Schafer, and/or TWI fail to disclose a “sealing element comprising a supporting surface which lies flat against the housing wall at an interface and a second surface extending at substantially a right angle to the supporting surface; the supporting surface and the second surface of the sealing element in contact with the housing wall such that there is no open space between the sealing element and the housing wall,” as recited in independent Claim 1, or a “sealing element provided in the at least one aperture of the housing wall such that there is no open space between the sealing element and the aperture of the housing wall, the sealing element comprising a supporting surface which lies flat against the housing wall at an interface and an adjacent surface extending at substantially a right angle to the supporting surface,” as recited in independent Claim 20.

On page 3 of the Office Action, the Examiner specifically acknowledged that Ovshinsky does “not disclose a plastic sealing element ...” Therefore, Ovshinsky can not possibly disclose a “sealing element comprising a supporting surface which lies flat against the housing wall at an interface and a second surface extending at substantially a right angle to the supporting surface; the supporting surface and the second surface of the sealing element in contact with the housing wall such that there is no open space between the sealing element and the housing wall,” as recited in independent Claim 1, or a “sealing element provided in the at least one aperture of the housing wall such that there is no open space between the sealing element and the aperture of the housing wall, the sealing element comprising a supporting surface which lies flat against the

housing wall at an interface and an adjacent surface extending at substantially a right angle to the supporting surface,” as recited in independent Claim 20.

Neither TWI nor Schafer disclose such a combination of elements. In fact, TWI does not disclose any physical structure related to a “rechargeable battery” as recited in independent Claims 1 and 20.

Schafer discloses an “annular groove 17 formed between the main part of the plastics portion 5 and the welding neck 6.” See Schafer at page 1, lines 70-72 and FIG. 1. The “annular groove 17” of Schafer creates an open space between the “plastics portion 5” and the “cell cover 2.”

Therefore, the “rechargeable battery” recited in independent Claims 1 and 20 would not have been obvious in view of Ovshinsky, alone or in any proper combination with Schafer and/or TWI under 35 U.S.C. § 103(a). Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-15 and 20-24 under 35 U.S.C. § 103(a).

New independent Claim 25 is also patentable over Ovshinsky, Schafer, and/or TWI. Claim 25 recites in part a “first cell provided on a first side of the housing wall and a second cell provided on a second side of the housing wall,” a “contact element electrically coupled to the first and second cells,” and a “plastic sealing element coupled to the contact element, the sealing element provided in the at least one aperture of the housing wall and comprising a supporting surface which lies flat against the housing wall at an interface.”

Ovshinsky, Schafer, and/or TWI do not disclose, teach or suggest such a combination of elements. Therefore, Claim 25 is patentable over Ovshinsky in view of Schafer and/or TWI. Applicant respectfully requests consideration and allowance of Claim 25.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants request consideration and allowance of all pending claims.

It should also be noted that although the Applicants have only addressed certain claims or claimed features herein, other claims, features, or combinations of features may also be patentable for additional reasons. Further, the failure to address any statement by the Examiner should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to rebut any statement presented by the Examiner and to set forth additional and/or alternative reasons for patentability during prosecution of the present Application or in any other future proceeding. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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